
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

California Polytechnic State University
Licensee of Radio Station KCPR
Facility ID #8324
San Luis Obispo, California

)
)
)
)
)
)
)

File No. EB-04-LA-194

NOV No. V200432900011

NOTICE OF VIOLATION

Released: September 13, 2004

By the District Director, Los Angeles Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to California Polytechnic State University, licensee of radio station KCPR.

2. On August 18, 2004, agents of the Commission's Los Angeles Office inspected radio station KCPR located at San Luis Obispo, and observed the following violation(s):

- a. 47 C.F.R. § 11.35(a): "Broadcast stations and cable systems and wireless cable systems are responsible for ensuring that Emergency Alert System (EAS) Encoders, EAS Decoders and Attention Signal generating and receiving equipment used as part of the EAS are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation. Additionally, broadcast stations and cable systems and wireless cable systems must determine the cause of any failure to receive the required tests or activations specified in §§ 11.61(a) (1) and (2). Appropriate entries must be made in the broadcast station log as specified in § 73.1820 and § 73.1840 of this chapter . . . indicating reasons why any tests were not received." During the inspection on August 18, 2004, the EAS monitor receivers (Panasonic K550s) were not tuned to the designated LP1 and LP2 frequencies and no logs of EAS tests or activations were available for dates more recent than December 4, 2003.
- b. 47 C.F.R § 11.15 "The EAS Operating Handbook states in summary form the actions to be taken by personnel at broadcast stations, cable systems, and wireless cable systems, and other participating entities upon receipt of an Emergency Action Notification (EAN), and Emergency Action Termination

¹47 C.F.R. § 1.89.

Federal Communications Commission

(EAT), tests, or State and Local Area alerts. It is issued by the FCC and contains instructions for the above situations. A copy of the Handbook must be located at normal duty positions or EAS equipment locations when an operator is required to be on duty, and immediately available to staff responsible for authenticating messages and initiating actions.” During the inspection on August 18, 2004, no EAS Handbook was available.

- c. 47 C.F.R. § 73.3527(a)(2) “Every permittee or licensee of an AM, FM or TV station in the non-commercial educational broadcast services shall maintain a public inspection file containing the material, relating to that station, described in paragraphs (e)(1) through e(11) of this section.” During the inspection on August 18, 2004, the public inspection file was not organized in accordance with the categories set forth in the rules and contained no information more recent than 1985. Specific omissions noted were: 1) most recent license renewal; 2) contour map; 3) ownership report/certification; 4) employment report; and 5) donor lists. In addition, the most recent version of “The Public & Broadcasting” manual was not available. The most recent version of that manual can be accessed online at http://www.fcc.gov/mb/audio/decdoc/public_and_broadcasting.html.
- d. 47 C.F.R. § 73.1870(a)(3) “The designation of the chief operator must be in writing with a copy of the designation posted with the station license.” At the inspection on August 18, 2004, no chief operator designation was posted with the license, or otherwise available for review by the inspectors.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, California Polytechnic State University, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Los Angeles Office
18000 Studebaker Road, Suite 660
Cerritos, CA 90703

4. This Notice shall be sent to California Polytechnic State University, Graphic Arts Building 201, San Luis Obispo, CA 93407.

²47 U.S.C. § 308(b).

Federal Communications Commission

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Catherine Deaton
District Director
Los Angeles Office
Western Region
Enforcement Bureau

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*